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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/699,874	11/03/2003	Arthur Kunz	P194 1011.1	4900
67327 7590 12/01/2011 WOMBLE CARLYLE SANDRIDGE & RICE, LLP ATTN: IP DOCKETING PO BOX 7037 Atlanta, GA 30357-0037				
			EXAMINER XIAO, YAN	
			ART UNIT 1642	PAPER NUMBER
			NOTIFICATION DATE 12/01/2011	DELIVERY MODE ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

IPDocketing@WCSR.COM

### Office Action Summary

**Application No.**

10/699,874

**Applicant(s)**

KUNZ ET AL.

**Examiner**

YAN XIAO

**Art Unit**

1642

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 03 November 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ An election was made by the applicant in response to a restriction requirement set forth during the interview on \_\_\_\_; the restriction requirement and election have been incorporated into this action.
- 4) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 5) ☒ Claim(s) See Continuation Sheet is/are pending in the application.
- 5a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 6) ☒ Claim(s) See Continuation Sheet is/are allowed.
- 7) ☒ Claim(s) 270 and 280 is/are rejected.
- 8) ☒ Claim(s) 279-284 is/are objected to.
- 9) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 10) ☐ The specification is objected to by the Examiner.
- 11) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 12) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB-08)  
Paper No(s)/Mail Date 09/12/2011
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_

Continuation of Disposition of Claims: Claims pending in the application are 150-152,158-164,167-174,181-187,190-210,213-221,227-233,236-251 and 269-290.

Continuation of Disposition of Claims: Claims allowed are 150-152,158-164,167-174,181-187,190-210,213-221,227-233,236-251,269,271-278 and 285-290.

### **DETAILED ACTION**

1. The Amendment filed 09/12/2011 in response to the Office Action of 06/02/2011 is acknowledged and has been entered. Claims 150-152, 158-164, 167-174, 181-187, 190-210, 213-221, 227-233 and 236-251 are pending, claims 200-203 and 244-247 have been amended, claims 269-290 are newly added. Claims 150-152, 158-164, 167-174, 181-187, 190-210, 213-221, 227-233, 236-251 and 269-290 are currently being examined.

#### ***New Grounds of Rejection/Objection***

##### ***Claim Objections***

2. Claims 279-284 are objected to because of the following informalities:

The word "is" is duplicated.

#### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the fourth paragraph of 35 U.S.C. 112:

Subject to the following paragraph, a claim in dependent form shall contain a reference to a claim previously set forth and then specify a further limitation of the subject matter claimed. A claim in dependent form shall be construed to incorporate by reference all the limitations of the claim to which it refers.

3. Claim 270 and 280 are rejected under 35 U.S.C. 112, fourth paragraph, because they fail to further limit of the claim from which it depends.

Claim 270 is drawn to the method of claim 269, wherein the anti-CD22 antibody is expressed in a mammalian cell prior to being conjugated to the cytotoxic drug and comprises a light chain consisting of residues 21 to 239 of SEQ ID NO: 28 and a heavy chain consisting of residues 20 to 466 of SEQ ID NO: 30; which is broader than the SEQ ID NOs: 19 and 27 of

claim 150 which claim 270 depends because all of the recited sequences of SEQ ID NO: 28 and 30 are not found in SEQ ID NO: 19 and 27, respectively. See Appendix 1 for alignment.

Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form.

4. All other objections and rejections recited in Office Action of 06/02/2011 are withdrawn in light of applicant's amendments and/or arguments.

5. Claims 150-152, 158-164, 167-174, 181-187, 190-210, 213-221, 227-233, 236-251, 269, 271-278 and 285-290 appear allowable. Claims 270 and 280 are rejected. Claims 279-284 are objected.

6. Applicant's amendment/arguments necessitated the new grounds of rejection. Thus **THIS ACTION IS MADE FINAL**. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to YAN XIAO whose telephone number is (571)270-3578. The examiner can normally be reached at 7:30 am-5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, Primary Examiner, Peter Reddig (571-272-9031), or the examiner's supervisor, Misook Yu (571-272-0839) can be

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reached. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/YAN XIAO/

Examiner, Art Unit 1642

/PETER J REDDIG/

Primary Examiner, Art Unit 1642

## Appendix 1

Alignment of SEQ ID 19 with SEQ ID 28.  
RESULT 9  
US-10-428-894-28  
: Sequence 28, Application US/10428894  
: Publication No. US20040082764A1  
: GENERAL INFORMATION:  
: APPLICANT: WYETH HOLDINGS CORPORATION.; KUNZ, ARTHUR ET AL.  
: TITLE OF INVENTION: CALICHEAMICIN DERIVATIVE-CARRIER CONJUGATES  
: FILE REFERENCE: AM100788  
: CURRENT APPLICATION NUMBER: US/10/428,894  
: CURRENT FILING DATE: 2003-05-02  
: NUMBER OF SEQ ID NOS: 51  
: SOFTWARE: SeqWin99, version 1.02

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; SEQ ID NO 28
; LENGTH: 239
; TYPE: PRT
; ORGANISM: Artificial Sequence
; FEATURE:
; OTHER INFORMATION: Full sequence of grafted light chain
; FEATURE:
; NAME/KEY:
US-10-428-894-28

```

```

Query Match      100.0%; Score 113; DB 4; Length 239;
Best Local Similarity 100.0%;
Matches 113; Conservative 0; Mismatches 0; Indels 0; Gaps 0;

```

```

Qy      1 DVQVTQSPSSLSASVGDRTTITCRSSQSLANSYGNFTLSWYIHKPGKAPQLLIYGISNRF 60
      |||
Db      21 DVQVTQSPSSLSASVGDRTTITCRSSQSLANSYGNFTLSWYIHKPGKAPQLLIYGISNRF 80
      |||

Qy      61 SGVPDRFSGSGSGTDFTLTISSLQPEDFATYYCLQGTQHPYTFGQGTQKVEIKR 113
      |||
Db      81 SGVPDRFSGSGSGTDFTLTISSLQPEDFATYYCLQGTQHPYTFGQGTQKVEIKR 133
      |||

```

Alignment of SEQ ID 27 with SEQ ID 30.

```

RESULT 10
US-10-699-874-30
; Sequence 30, Application US/10699874
; Publication No. US20040192900A1
; GENERAL INFORMATION:
; APPLICANT: WYETH HOLDING CORPORATION.; KUNZ, ARTHUR ET AL.
; TITLE OF INVENTION: CALICHEAMICIN DERIVATIVE-CARRIER CONJUGATES
; FILE REFERENCE:
; CURRENT APPLICATION NUMBER: US/10/699,874
; CURRENT FILING DATE: 2003-11-03
; NUMBER OF SEQ ID NOS: 51
; SOFTWARE: SeqWin99, version 1.02
; SEQ ID NO 30
; LENGTH: 467
; TYPE: PRT
; ORGANISM: Artificial Sequence
; FEATURE:
; OTHER INFORMATION: Full sequence of grafted heavy chain
; FEATURE:
; NAME/KEY:
US-10-699-874-30

```

```

Query Match      100.0%; Score 121; DB 4; Length 467;
Best Local Similarity 100.0%;
Matches 121; Conservative 0; Mismatches 0; Indels 0; Gaps 0;

```

```

Qy      1 EVQLVQSGAEVKKPGASVKVSCKASGYRFTNYWIHWVRQAPGQGLEWIGGINGNNYATY 60
      |||
Db      20 EVQLVQSGAEVKKPGASVKVSCKASGYRFTNYWIHWVRQAPGQGLEWIGGINGNNYATY 79
      |||

Qy      61 RRFQGRVIMTADTSTSTVYMEISSLRSEDIVAVYYCTREGYGNYGAWFAYWGQGLVTVS 120
      |||
Db      80 RRFQGRVIMTADTSTSTVYMEISSLRSEDIVAVYYCTREGYGNYGAWFAYWGQGLVTVS 139
      |||

Qy      121 S 121
      |
Db      140 S 140

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